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2 Email: jvucinich@clappmoroney.com

3 SHERRETT O. WALKER, ESQ. BAR#: 286595

4 Email: swalker@clappmoroney.com

5 CLAPP, MORONEY, VUCINICH, BEEMAN and SCHELEY
6 A PROFESSIONAL CORPORATION

7 1111 Bayhill Drive, Suite 300

8 San Bruno, CA 94066

9 (650) 989-5400 (650) 989-5499 FAX

10 Specially Appearing for
11 CITY OF SAN RAMON

12
13 **UNITED STATE DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15

16 PHANTOM LS RECORDS, LLC, and
17 SUMANTE J HUTCHINSON,

18 Plaintiff,

19 vs.

20 STATE OF CALIFORNIA
21 UNVERSTY OF SANTA CRUZ,
22 KAISER PERMANENTE, CITY OF
23 SAN RAMON, REDWOOD CITY,
24 SAN MATEO,

25 Defendants.

Case No. 3:21-cv-05787-EMC

**DECLARATION OF SHERRETT O.
WALKER REGARDING
PLAINTIFF' S REQUEST FOR
DEFAULT AGAINST THE CITY
OF SAN RAMON**

Complaint filed: April 28, 2021

Trial date: Not applicable

26 I, Sherrett O. Walker, declare;

27 1. I am an attorney at law duly licensed to practice before all courts of the
28 State of California and this District Court and am a senior associate of the law firm of
Clapp, Moroney, Vucinich, Beeman & Scheley, attorneys for the City of San Ramon.

1 2. I have personal knowledge of the fact stated in this declaration, and if
2 called as a witness, could competently testify to the facts stated herein.

3 3. This Court's Docket reflects, in Document 26, attached herein as Exhibit
4 A, that Plaintiff was ordered to file a proof of service as to the City of San Ramon in
5 15 days.

6 4. This Court's Docket reflects, in Document 28-1, attached herein as
7 Exhibit B, that Plaintiff served the City of San Ramon, on June 16, 2021, with a
8 summons, a complaint, and a civil case cover sheet. These documents are related to
9 Plaintiff's claims from the Superior Court of California, County of Contra Costa.

10 5. This Court's Docket reflects, in Document 15, attached herein as Exhibit
11 C, Plaintiff filed a First Amended Complaint on August 12, 2021.

12 6. This Courts Docket reflects, in Document 33, attached herein as Exhibit
13 D, that this Court stated, in Civil Minutes from a January 18, 2022, Case Management
14 Conference stating that my client, The City of San Ramon, had been served with
15 Plaintiff's First Amended Complaint.

16 7. On or about February 7, 2022, I read Documents 15, 26, 28-1, and 33,
17 learning of the implications of these events for the first time.

18 8. The same day, I confirmed with my client, the City of San Ramon, after
19 some confusion, that the City had never been served with Plaintiff's First Amended
20 Complaint. After a review of these documents, I determined that Plaintiff had only
21 served the City with Superior Court documents concerning his State claims.

22 9. On the same day, but perhaps the next, counsel for another Defendant
23 informed me that the Court had not determined that City of San Ramon had been
24 served, but had taken Plaintiff's word as confirmation of such service.

25 10. On April 6, 2022, I learned that Plaintiff had filed a Request for Default
26 against City of San Ramon, in spite of never serving the City of San Ramon his First
27 Amended Complaint, after being ordered to file a Proof of Service of the same in
28 October 2021.

 11. I am informed and believed by this Court's documents and my client that

1 the City of San Ramon had never been served with any pleading in the above-
2 captioned action, including Plaintiff's Request for Default against the City of San
3 Ramon.

4
5 I declare under penalty of perjury under the laws of the United State that the
6 foregoing is true and correct and that this declaration is executed on April 11, 2022,
7 at San Bruno, California.

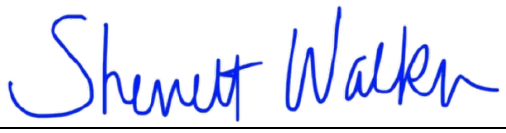
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11 By: 
12 SHERRETT O. WALKER, ESQ.
13 Specially Appearing for Defendant
14 CITY OF SAN RAMON
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EXHIBIT A

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Date: October 14, 2021

Time: 2:27 - 3:01 =
34 Minutes

Judge: EDWARD M. CHEN

Case No.: [21-cv-05787-EMC](#)

Case Name: Phantom LS Records LLC v. State of
California

Plaintiff, Pro Se: Sumante Hutchinson

Attorney for Defendant: Rhonda Woo

Deputy Clerk: Angella Meuleman

Court Reporter: Ruth Ekhaus

PROCEEDINGS HELD BY ZOOM WEBINAR

[18] Motion to Dismiss – Held;

Initial Case Management Conference - Not Held

SUMMARY

Parties stated appearances and proffered argument.

Court takes matter under submission. Order to issue.

Plaintiff is to file with the Court proof of service as to City of San Ramon in 15 days. As to the remaining defendants, Plaintiff is to serve and file proofs of service for each of those defendants with the Court within 60 days.

Initial Case Management Conference rescheduled as control date to January 18, 2022 at 1:30PM. Joint cmc statement due January 11, 2022.

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): PHANTOM LS RECORDS LLC / SUMANTE J HUTCHINSON PO BOX 1852 SAN RAMON CA 94583 TELEPHONE NO.: 925-434-4005 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 725 Court Street MAILING ADDRESS: MARTINEZ CA 94553 CITY AND ZIP CODE: BRANCH NAME: Martinez		
PLAINTIFF/PETITIONER: PHANTOM LS RECORDS LLC, SUMANTE J HUTCHINSON DEFENDANT/RESPONDENT: STATE OF CALIFORNIA, UNIVERSITY OF CALIFORNIA SAN		CASE NUMBER: C2100852
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: 21000696

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - f. other (specify documents): SUM-100 SUMMONS & PLD-PL-001 COMPLAINT- PERSONAL INJURY, PROPERTY, DAMAGE, WRONGFUL DEATH, PLD-P1-001 CAUSE OF ACTION-INTENTIONAL TORT, EXEMPLARY DAMAGES ATTACHMENT, ATTACHMENTS, CIVIL CASE COVER SHEET.
3. a. Party served: **REDWOOD CITY POLICE DEPARTMENT**
 - b. ☒ Person (other than the party in item 3a) served on behalf of the entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):
 Gary Kirby - Deputy Chief
4. Address where the party was served: **1301 MAPLE ST REDWOOD CITY CA 94063**
5. I served the party
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on 06/28/2021 (2) at 3:41 pm
 - b. ☐ **by substituted service.** On: at: I left the documents listed in item 2 with or in the presence of:
 1. ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 2. ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 3. ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 4. ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on.
☐ a declaration of mailing is attached.
 - d. ☐ **by other means.** Method On: at:

Note: item 6 is for Summons only

6. The "Notice to Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant
- b. ☐ as the person sued under the fictitious name of:
- c. ☐ as occupant
- d. ☐ On behalf of:

under the following Code of Civil Procedure section:

- ☐ 416.10 (corporation)
- ☐ 416.20 (defunct corporation)
- ☐ 416.30 (joint stock company/association)
- ☐ 416.40 (association or partnership)
- ☒ 416.50 (public entity)
- ☐ 415.95 (business organization, form unknown)
- ☐ 416.60 (minor)
- ☐ 416.70 (ward or conservatee)
- ☐ 416.90 (authorized person) Person who issued the agreement to appear:
- ☐ 415.46 (occupant)
- ☐ Other:

Important Information: If the Restrained Person's date of birth (DOB) or age is not contained in the original Temporary Restraining order of the original Sheriff's Letter of Instruction the following may occur: The San Mateo County Sheriff's Office may be unable to enter the Restraining Person's information in the California Law Enforcement Telecommunications System (CLETS) or the Domestic Violence Restraining Order System (DVROS).

7. Person who served papers

- a. Name: PATRICK MCKENNA
- b. Address: 400 County Center, 3rd Floor Redwood City, CA 94063
- c. Telephone number: (650) 363-4497
- d. The fee for service was: \$

8. ☐ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9. ☒ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Monday, June 28, 2021

Carlos G. Bolanos, Sheriff
County of San Mateo

By: 

Sheriff's Authorized Agent

EXHIBIT C

Your Name:

Sumante J Hutchinson / Phantom LS Records LLC

Address:

728 Waterstone Pl, San Ramon, CA 94582

Phone Number:

925-434-4005

Fax Number:

E-mail Address:

sujhutch@ucsc.edu

Pro Se Plaintiff

RECEIVED

AUG 23 2021 2:40

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NO. DIST. OF CA.

FILED

AUG 23 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIAUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIADivision [check one]: ☒ San Francisco ☐ Oakland ☐ San Jose ☐ EurekaSumante J Hutchinson
Phantom LS Records LLC

Plaintiff,

vs.

State of CA, Redwood City
San Ramon, Kaiser
Permanente, University of
CA, Santa Cruz

Defendant.

Case Number

3:21-cv-05787-SK

[First, Second, etc.]

AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

Yes ☐ No ☒

PARTIES

1. Plaintiff. [Write your name, address, and phone number. Add a page for additional plaintiffs.]

Name:

Phantom LS Records LLC / Sumante J Hutchinson

Address:

728 Waterstone Pl, San Ramon, CA 94582

Telephone:

925-434-4005

AMENDED COMPLAINT

PAGE ____ OF ____ [JDC TEMPLATE - Rev. 05/2017]

RECEIVED
AUG 23 2021
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

2. Defendants. [Write each defendant's full name, address, and phone number.]

Defendant 1:

Name:

State of California

Address:

1300 "I" Street, Sacramento, CA 95814

Telephone:

916-445-9558

Defendant 2:

Name:

City of Redwood City

Address:

1400 Broadway St, Redwood City, CA 94063

Telephone:

650-780-7464

Defendant 3:

Name:

City of San Ramon

Address:

7000 Bollinger Canyon Rd, San Ramon, CA 94583

Telephone:

925-973-2500

JURISDICTION

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

3. My case belongs in federal court

☒ under federal question jurisdiction because it involves a federal law or right.

[Which federal law or right is involved?] 1st Amend., 5th Amend.

"Tort claims Act", Civil Code Div 3, Part 3, Section 1708

☐ under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

VENUE

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

☒ a substantial part of the events I am suing about happened in this district.

☒ a substantial part of the property I am suing about is located in this district.

AMENDED COMPLAINT

☐ I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.

☒ at least one defendant is located in this District and any other defendants are located in California.

INTRADISTRICT ASSIGNMENT

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.]

5. Because this lawsuit arose in Contra Costa County, it should be assigned to the San Francisco/Oakland Division of this Court.

STATEMENT OF FACTS

[Write a short and simple description of the facts of your case. Include basic details such as when the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

In April 2020, The State of CA and Federal Govt Mandated Shelter in place rules in response to COVID-19. As a business owner, I was tremendously impacted and over the course of the following year property losses occurred in direct correlation to discriminatory policing and failure to respond fairly and justly when I sought assistance. In July 2020, I was wrongfully removed from my home which is ~~home~~ registered business address and place of residence since October 2018 in San Ramon, CA, based off false information & allegations to San Ramon PD.

AMENDED COMPLAINT

San Ramon PD, knowingly violated my rights on numerous occasions resulting in financial harm & property loss exceeding \$30,000. They have violated my free-speech rights as well as rights to work & maintain property via false arrests & attempted abuses via the medical system using SISO as punishment where I was also assaulted by medical staff previously and rights to refuse meds were violated and I was forced out of months of work as a result. Because of their actions I was put into a transient state and out of stable housing, on numerous occasions San Ramon PD & Redwood city showed up at hotels & Airbnb due to disputes. They were threatening, knowing they already tampered with my business, which is a music recording company. In August 2020, I had briefly resided in Redwood City, after being assaulted on two occasions, Redwood city did absolutely nothing when I wanted to press charges. Because of harassment and violence against me by others, I was taken to a hotel after 12am in Redwood city the following morning official help appeared within 48 hrs, all of my property was stolen & I was transported via ambulance to unnamed city workers a hospital, because I was trashed my belongings left stranded with no help.

AMENDED COMPLAINT

PAGE ___ OF ___ [JDC TEMPLATE - Rev. 05/2017]

CLAIMS

First Claim

(Name the law or right violated: 5th Amendment)

(Name the defendants who violated it: Redwood city police & city of Redwood workers)

[Explain briefly here what the law is, what each defendant did to violate it, and how you were

harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

5th Amendment is a persons rights to property, "not be deprived of life, liberty, or property". City of Redwood city workers appeared while I was stranded in crisis for 24 hours near Kaiser permanente and threw away all of my belongings Redwood city police claimed to have found it and showed my property in a pile on officer kaino's phone, when I got to the spot it was not in a pile. my clothes, personal documents, jewelry, electronics etc. were scattered amongst other trash. suggesting they purposely trashed and damaged my stuff. I frantically tried to gather everything but had a mental break down because that was all the stuff I had left to me, I got to the hospital after telling the responders to grab my items in then was left with one pair of clothes, one phone, and I was suddenly out of \$30,000 + worth of goods. & intellectual property & private info, no ID, no wallet.

AMENDED COMPLAINT

Claim

(Name the law or right violated:)

1st Amendment

(Name the defendants who violated it:)

San Ramon PD & UCSC

In Response to me being a musician, SRPD & others on numerous occasions have tried to violate my free speech rights, my business is located primarily in San Ramon since 2013, my entire ~~work~~ recording set up that I built is now gone as a result of them responding to false allegations and allowing others to violate my rights ~~back~~ & make a gainful living, also at UCSE police physically assaulted me for rapping and the campus allowed people to steal from me and tried to fraud me in April 2019 with defamatory action including false allegations based on my lyrical content, on numerous occasions they have interfered with my private business and have attempted to stop me from doing my work as a producer & recording artist. When I was working at Bishop Ranch Business Park, they tried to kick me off site because I had no where else to do my work after they tried to keep me from going home for months. they even let my ex girlfriend steal property from me.

AMENDED COMPLAINT

DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

I want to be compensated monetary value of my business property & goods as well as compensated for distress, property losses exceed \$30,000, including phones, computer, clothes, jewelry, other electronics, hard drives, intellectual property, keepsakes, merchandise, etc.

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

☐ Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date: 08/23/21

Sign Name:

Sumant J. Hutchinson

Print Name:

Sumant J. Hutchinson

AMENDED COMPLAINT

[illegible]

PAGE ____ OF ____ [JDC TEMPLATE – 05/17]

EXHIBIT D

**OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
Northern District of California**

CIVIL MINUTES

Date: January 18, 2022

Time: 1:39-1:49
10 Minutes

Judge: EDWARD M. CHEN

Case No.: [21-cv-05787-EMC](#)

Case Name: Phantom LS Records LLC et al. v. State of California, et al.

Pro Se Plaintiff: Sumante Hutchinson

Attorney for Defendant: Rhonda Woo (City of Redwood City)

Deputy Clerk: Vicky Ayala

Court Reporter: Belle Ball

PROCEEDINGS

Initial Case Management Conference - held

SUMMARY

Parties stated appearances.

City of San Ramon has been served, but there has been no response. Kaiser Permanente refused service. Plaintiff does not wish to pursue case against University of California, Santa Cruz and State of California. Plaintiff advised that if he does not retain counsel, he should consult with pro se help desk for advice regarding effectuating service and responding to motions. Plaintiff also advised of Court's handbook for self-represented litigants available on the Court's website.

Discussions regarding ADR are currently premature.

City of Redwood City plans to file a Motion for Judgment on the Pleadings for failure to comply with the California Tort Claims Act. The motion will be filed in approximately three weeks. If the motion is denied, party will consent to settlement discussions with a Magistrate Judge.

Plaintiff will seek representation.

Court Set a **Status Conference for March 22, 2022, at 2:30 p.m.** Joint Status Report due by **March 15, 2022.**

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